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Attorneys for Plaintiffs and the Putative Class

[Additional Counsel listed, next page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

TERRELL JONES, a California resident;
MICHAEL JOHNSON, a Florida resident;
DERRICK PAIGE, a Texas resident;
WILFREDO BETANCOURT, a Nevada
Resident; YOLANDA McBRAYER, a
former Colorado resident; and MICHAEL
PIERSON, a North Carolina resident,
individually, and on behalf of all others
similarly situated,

Plaintiffs,

vs.

AGILYSYS, INC., an Ohio corporation;
AGILYSYS NV, LLC, a Delaware limited
liability company; and DOES 1 through 100,
inclusive,

Defendants.

Case No. CV12-3516 SBA

COLLECTIVE AND CLASS ACTION

[UNOPPOSED]

**NOTICE OF MOTION FOR ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT,
CONDITIONAL CERTIFICATION,
APPROVAL OF CLASS NOTICE, AND
SETTING OF FINAL FAIRNESS HEARING**

Date: August 6, 2013
Time: 1:00 p.m.
Dept: Courtroom 1 (Fourth Floor)
Judge: Hon. Sandra B. Armstrong

Filed: July 6, 2012
Trial date: None set

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Attorneys for Plaintiffs and the Putative Class

1 **TO: ALL INTERESTED PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 NOTICE IS HEREBY GIVEN that on August 6, 2013 at 1:00 p.m. before this Court
3 located in the Ronald V. Dellums Federal Building located at 1301 Clay Street, in Courtroom No.
4 1 (Fourth Floor), Oakland, California 94612, Named Plaintiffs Terrell Jones, Michael Johnson,
5 Derrick Paige, Wilfredo Betancourt, Yolanda McBrayer, and Michael Pierson, individually, and
6 on behalf all others similarly situated will, and hereby does, move this Court for an Order which
7 has the effect of doing the following:

8 1) Granting preliminary approval of the Class and Collective Action Settlement set
9 forth more particularly in the Settlement Agreement attached as Exhibit "1" to the Declaration of
10 Isam C. Khoury, filed concurrently with this motion,

11 2) Granting conditional certification of the California and Non-California FLSA
12 settlement Class pursuant to Rule 23 of the Federal Rules of Civil Procedure ("FRCP") and
13 conditional certification of a collective action pursuant to 216(b) of the Fair Labor Standards Act
14 ("FLSA"),

15 3) Approving the proposed Notice of Class Action Settlement, Claim Form/FLSA
16 Consent to Join Form, and Request for Exclusion Form to be sent to the Class advising them of
17 the pendency of class action and proposed Settlement, of the schedule and procedure for the filing
18 of claims to receive their monetary share of the proposed Settlement, for the filing of requests for
19 exclusion, and of objections, if any, to the proposed Settlement; and

20 4) Setting a Final Fairness Hearing to consider Final Approval of the proposed
21 Settlement.

22 The Parties have met and conferred, and Plaintiffs anticipate no objection to this motion
23 from Defendants.

24 This Motion is made pursuant to Federal Rule of Civil Procedure 23(e) and is based upon
25 this Notice of Motion and Motion, the attached Memorandum of Points and Authorities,
26 Complaint on file, the Declarations of Terrell Jones, Michael Johnson, Derrick Paige, Wilfredo
27 Betancourt, Yolanda McBrayer, Michael Pierson, Brian Chase, Isam C. Khoury and Jerusalem F.
28 Beligan filed herewith, the proposed Settlement Agreement and proposed Notice filed herewith;

1 and the [Proposed] Order Granting Preliminary Approval of the Class Action Settlement; the other
2 records and files in this action; and such other matters as may be properly presented at or before
3 the hearing.

4 Respectfully submitted,

5 Dated: June 6, 2013

BISNAR | CHASE

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7 By: /s/ Jerusalem F. Beligan
Jerusalem F. Beligan
8 Attorneys for Plaintiffs and the Putative Class

9 Dated: June 6, 2013

COHELAN KHOURY & SINGER

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11 By: /s/ Diana M. Khoury
12 Isam C. Khoury / Diana M. Khoury
13 Attorneys for Plaintiffs and Putative Class
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